

NOV 10 2004 5:03PM

CALFEE HALTER GRISWOLD

NOV 10 2004

NO. 4338 P. 1



# CALFEE, HALTER & GRISWOLD LLP

November 10, 2004

TO: Examiner T. Nguyen  
FAX NUMBER: 1-703-872-9306  
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CONFIRMATION  
PHONE NUMBER: 1-703-306-9046

FROM: Ned Pejic  
DIRECT DIAL PHONE NUMBER: 216-622-8835

CLIENT NO.: 12873

MATTER NO.: 04651

CLIENT NAME: Invacare

NUMBER OF PAGES (including this page): 24

## MESSAGE:

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	:	Examiner: T. Nguyen
Robert R. Bly	:	
	:	
Serial No.: 10/672,677	:	Art Unit: 3751
	:	
Filed: September 26, 2003	:	Docket No.: 12873-04651
	:	
Title: Commode Safety Frame	:	

## AMENDMENT

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PTO/SB/21 (09-04)

Approved for use through 07/31/2008. OMB 0861-0031  
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/872,677	
	Filing Date	September 26, 2003	
	First Named Inventor	Bly	
	Art Unit	3751	
	Examiner Name	T. Nguyen	
Total Number of Pages in This Submission	23	Attorney Docket Number	12873-04851

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm Name		
Signature	<i>Nenad Pejic</i>	
Printed name	Nenad Pejic	
Date	November 10, 2004	Reg. No. 37,415

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I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.	
Signature	<i>Nenad Pejic</i>
Typed or printed name	Nenad Pejic
Date	November 10, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/17 (10-04v2)

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U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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**FEE TRANSMITTAL**  
**for FY 2005**

Effective 10/01/2004. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) 660.00**Complete if Known**

Application Number 10/672,877

Filing Date September 26, 2003

First Named Inventor Bly

Examiner Name T. Nguyen

Art Unit 3751

Attorney Docket No. 12873-04651

**METHOD OF PAYMENT (check all that apply)**☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit Account Number  
Deposit Account Name

03-0172

Calfée, Halter &amp; Griswold

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 790	2001 395	Utility filing fee	
1002 350	2002 175	Design filing fee	
1003 550	2003 275	Plant filing fee	
1004 790	2004 395	Reissue filing fee	
1005 180	2005 80	Provisional filing fee	
<b>SUBTOTAL (1)</b>			<b>(\$) 0</b>

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims	Extra Claims	Fee from below	Fee Paid
42	20** = 22	18	396
Independent Claims	8	88	264
Multiple Dependent			660

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 88	2201 44	Independent claims in excess of 3
1203 300	2203 150	Multiple dependent claim, if not paid
1204 88	2204 44	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

**SUBTOTAL (2)** (\$) 660.00

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65		Surcharge - late filing fee or oath	
1052 50	2052 25		Surcharge - late provisional filing fee or cover sheet	
1053 130	2053 130		Non-English specification	
1812 2,520	1812 2,520		For filing a request for ex parte reexamination	
1804 920*	1804 920*		Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*		Requesting publication of SIR after Examiner action	
1251 110	2251 55		Extension for reply within first month	
1252 430	2252 215		Extension for reply within second month	
1253 890	2253 490		Extension for reply within third month	
1254 1,530	2254 765		Extension for reply within fourth month	
1255 2,080	2255 1,040		Extension for reply within fifth month	
1401 340	2401 170		Notice of Appeal	
1402 340	2402 170		Filing a brief in support of an appeal	
1403 300	2403 150		Request for oral hearing	
1451 1,510	1451 1,510		Petition to institute a public use proceeding	
1452 110	2452 55		Petition to revive - unavoidable	
1453 1,370	2453 685		Petition to revive - unintentional	
1501 1,370	2501 685		Utility issue fee (or reissue)	
1502 490	2502 245		Design issue fee	
1503 680	2503 330		Plant issue fee	
1460 130	1460 130		Petitions to the Commissioner	
1607 50	1807 50		Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180		Submission of Information Disclosure Stmt	
8021 40	8021 40		Recording each patent assignment per property (times number of properties)	
1809 790	2809 395		Filing a submission after final rejection (37 CFR 1.129(a))	
1810 790	2810 395		For each additional invention to be examined (37 CFR 1.129(b))	
1801 790	2801 395		Request for Continued Examination (RCE)	
1802 900	1802 900		Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)** (\$) 0**SUBMITTED BY**

Name (Print/Type)	Registration No. (Attorney/Agent)	Telephone
Nenad Pejic	37,415	216-622-8835
Signature	Date	
Nenad Pejic	November 10, 2004	

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NEMAD PEJIC

Print Name

Nemad Pejic  
Signed

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	:	Examiner: T. Nguyen
Robert R. Bly	:	
Serial No.:	:	Art Unit: 3751
10/672,677	:	
Filed: September 26, 2003	:	Docket No.: 12873-04651
Title: Commode Safety	:	
Frame	:	

AMENDMENT

Mail Stop Amendment  
Commissioner of Patents  
U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

In response to the Office action of August 10, 2004, please amend the above-identified application as follows:

Amendments to the Specification begin on page 2.

Amendment to the Claims begin on page 6.

Remarks/Arguments begin on page 16.

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